IN THE HIGH OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 970(S/S)2007

Smt. Kamla Joshi W/o Devi Dutt Joshi,
Basic Health Worker (Woman),
(Auxiliary Nurse Midwife) Community Health Centre,
(Main Centre), Champawat,
District-Champawat. ------Petitioner.

Vs.

1. State of Uttarakhand through Secretary,
   Medical Health and Family Welfare Department,
   Dehradun,
2. Director General of Medical Health & Family Welfare,
   Uttarakhand, Dehradun,
3. Addl. Director of Medical Health & Family Welfare,
   Kumaon Region, Nainital,
4. Chief Medical Officer, Champawat,
5. Smt. Kalawati Kunwar,
   Basic Health Worker (Woman),
   (Auxiliary Nurse Midwife) Community Health,
   Sub Centre-Chalthi, Champawat,
   District Champawat. -----Respondents.

Sri K.N. Joshi, Adv. & Sri Vinay Upadhyay, learned Counsel for the petitioner and
Sri Paresh Tripathi, learned Standing Counsel for the State of Uttarakhand/respondent nos. 1 to 4.
None for respondent no.5.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Vinay Upadhyay, Adv. holding brief of Sri K.N. Joshi ,learned Counsel for the petitioner and Sri Paresh Tripathi, learned Standing Counsel for the State of Uttarakhand /respondent nos. 1 to 4. None is present on behalf of respondent no.5.

By means of this writ petition, the petitioner has challenged the transfer order dated 16.07.2007 (annexure no.5

to the writ petition) passed by Chief Medical Officer, Champawat/ respondent no. 4, by which the respondent no. 4 while canceling order dated 30.06.2007, the petitioner who is working as Basic Health Worker (Auxiliary Nurse midwife) at Community Health Centre (Main Centre), Champawat, has been transferred to Sub Centre-Chalthi, in her post of A.N.M. in public interest.

The grounds of assailing the order impugned, advanced by the learned counsel for the petitioner are that vide order dated 04.06.2007 passed by the Chief Medical Officer, the petitioner was transferred from Champawat to Chalthi. This order of transfer was cancelled by the Chief Medical Officer, Champawat on 30th June 2007 and again vide order dated 16.07.2007, the petitioner has been asked to join at Primary Health Sub Centre- Chalthi where she was transferred in pursuance to the earlier order dated 04.06.2007.

During the course of arguments, learned counsel for the petitioner has submitted that, raising all her grievances the petitioner has already moved representation before the Chief Medical Officer, Champawat on 18.07.2007, contains as annexure no. 6 to the writ petition, which is still pending before him. Therefore, the respondent no. 4 may be directed to take decision of her representation within the period prescribed by this Court.

The prayer is innocuous.

In these circumstances without entering into the merits of the case, I deem it fit and proper to direct the respondent no. 4 to take decision on the representation of the petitioner dated

18.07.2007 (annexure no. 6 to the writ petition) by passing a speaking order, within a period of two weeks from the date of production of a certified copy of this order before respondent no. 4 within a period of 10 days from today.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

July 27,2007:
NCM: